

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

SOITEC S.A., a French corporation,

Plaintiff,

v.

SUNEDISON SEMICONDUCTOR
LIMITED, a Singapore limited company,
and,
SUNEDISON SEMINCONDUCTOR
LLC, a Delaware limited liability company,

Defendants.

C.A. NO.

JURY TRIAL DEMANDED

**PLAINTIFF SOITEC S.A.'S MOTION FOR LEAVE
TO FILE ITS COMPLAINT UNDER SEAL**

Plaintiff Soitec S.A. ("Soitec"), by and through its undersigned counsel, respectfully moves the Court, pursuant to Federal Rule of Civil Procedure 5.2 and D. Del. Local Rule 5.1.3, for leave to file its Complaint and the Exhibits attached thereto under seal.

Soitec seeks to file under seal because certain information contained in the Complaint and the Exhibits to the Complaint are confidential to Soitec and Defendants Sunedison Semiconductor Limited and Sunedison Semiconductor LLC ("Defendants"). The information is confidential pursuant to the confidentiality provision of the agreements underlying this action. Sealing of such confidential business information is proper in this Circuit. *See, e.g., Publicker Indus., Inc. v. Cohen*, 733 F.2d 1059, 1071-1073 (3d Cir. 1984).

Defendants have not yet been served with the Complaint. Therefore, counsel for SOITEC has not met and conferred with Defendants' counsel regarding this motion.

A proposed order is attached that contemplates filing a public version of the Complaint and Exhibits within seven (7) days of the date of filing.

Dated: February 15, 2017

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